

## **North Andover Conservation Commission Meeting Minutes**

**September 23, 2015**

**Members Present:** Louis A. Napoli, Chairman, Joseph W. Lynch, Jr., John T. Mabon, Deborah A. Feltovic, Douglas W. Saal, Sean F. McDonough (arrived at 7:30 p. m.).

**Members Absent:** Albert P. Manzi.

**Staff Members Present:** Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge Conservation Secretary.

### ***Pledge of Allegiance***

***Meeting came to Order at: 7:02PM Quorum Present.***

### **Approval of Minutes**

- A motion to accept the meeting minutes of 8/26/15 as drafted and reviewed is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.

### ***Public Meeting: 7:04 PM***

### ***Small Project***

#### **NACC#157, Harkaway Road (Comcast)**

- The applicant Edward Thomson of Comcast is present.
- Administrator states proposal is to install 80' of conduit in a 12" wide 2' trench within the buffer zone. Closest point of work to resource area is 53'.
- Mr. Lynch asked this area would hand dug.
- Mr. Thomson states in certain areas the trench would be had dug.
- Mr. Mabon asks how long the work will take and if a waiver request is needed.
- Mr. Thomson states this is about 1 day of work.
- Mr. Lynch states a waiver is not needed since there is no structure proposed.
- The commission discusses the work very close to the existing fence.
- A motion to accept this project as small project 4.4.2L is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to approve the project as proposed with conditions for pre & post construction inspections is made by Ms. Feltovic, seconded by Mr. Saal.
- Vote unanimous.

#### ***Documents:***

- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Copy of Town Check*
- *Letter prepared by Dewsnap Engineering Associates LLP dated September 14, 2015*

- *Proposed Comcast Underground Conduit Plan prepared by Dewsnap Engineering dated August 11, 2015*
- *North Andover MIMAP prepared by Dewsnap Engineering Associates LLP dated September 11, 2015*
- *FilTrex Sediment Control prepared by Dewsnap Engineering Associates LLP dated September 11, 2015*

#### ***Request for Determination of Applicability***

##### **602 Boxford Street (Lot 1) (S & L Homes LLC) (Christiansen & Sergi, Inc.) (cont. from 9/9/15) (Request to cont. to 10/7/15)**

- The applicant requests a continuance to the October 7, 2015 meeting.
- A motion to grant the request for a continuance to the October 7, 2015 meeting is made by Mr. Saal, seconded by Ms. Feltovic.
- Vote unanimous.

##### ***Document:***

- *E/Mail prepared by Christiansen & Sergi, Inc. requests a continuance to the October 7, 2015 meeting dated September 23, 2015*

#### ***Abbreviated Notice of Resource Area Delineation***

##### **242- , 303 Chestnut Street (Busby) (Rimmer Environmental Consulting LLC)**

- The Conservation Commission waives the reading of the legal notice. Abutters present are Keith K. Wentzel of 294 Chestnut Street and Bryan J. Foulds of 274 Chestnut Street.
- Mary Rimmer of Rimmer Environmental Consulting, LLC presents the delineation of the property. She submits the green cards and revised plans.
- Philip A. Busby of 9 Pond Lane, Atkinson, NH states the family has owned the land since the 1950's.
- Mr. Lynch states the 25' No-Disturbance Zone should be on the plan.
- Mr. Wentzel, an abutter, asks about the ANRAD process.
- The commission discusses the revised plan and asks about a structure shown on the plan.
- Mr. Busby discusses the potential for lots.
- Ms. Rimmer states a revised plan will be done removing the building footprint and the original lot lines.
- A motion to grant the requests for a continuance to the October 7, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Lynch.
- Vote unanimous.

##### ***Documents:***

- *Application Checklist-Abbreviated Notice of Resource Area Delineation*
- *WPA Form 4A-Abbreviated Notice of Resource Area Delineation*
- *Areas Delineation*
- *Fees*
- *Signatures*
- *ANRAD Wetland Fee Transmittal Form*
- *Copy of State and Town Check*

- *Certified Abutters List dated August 27, 2015*
- *Notification to Abutters Form*
- *USGS Map prepared by Rimmer Environmental Consulting, LLC dated July 27, 2015*
- *Locus Map prepared by Rimmer Environmental Consulting, LLC dated July 27, 2015*
- *Delineated Field Form prepared by Rimmer Environmental Consulting, LLC dated July 27, 2015*
- *Indicators of Hydrology Form prepared by Rimmer Environmental Consulting, LLC dated May 8, 2015*
- *Delineation Field Form prepared by Rimmer Environmental Consulting, LLC dated May 8, 2015*
- *Indicators of Hydrology Hydric Soil Interpretation dated May 8, 2015*
- *Plan of Land prepared by Donohoe Survey, Inc. dated August 5, 2015*

### ***Notice of Intent (NOI)***

#### **242-1659. 415 Winter Street (Grimaldi) (Benjamin C. Osgood, Jr., P. E.) (cont. from 9/9/15)**

- The applicant Francesca Grimaldi of 415 Winter Street and Benjamin C. Osgood, P. E. are present.
- The Administrator states an alternatives analysis is needed for the shed. She does not believe the retaining wall needs a waiver.
- Mr. Osgood states the plan was updated with the wetland flag change. No fence is needed as the retaining wall is less than 4' high. He states the shed in its current location will not have an impact on the wetland. He states debris could be removed from the wetland as mitigation.
- The commission discusses alternatives for the shed.
- The commission discusses the debris in the wetland.
- The commission agrees the shed has to be moved outside of the 50-Foot No-Build zone.
- Mr. Napoli asks about access.
- Mr. Osgood states it will be off of the existing drive.
- A motion to close and issue a decision within 21 days is made by Mr. Lynch, seconded Ms. Feltovic.
- Vote unanimous.

#### ***Documents:***

- *North Andover Conservation Commission Waiver Request Form prepared by Benjamin C. Osgood, Jr. P. E. dated September 16, 2015*
- *Letter prepared by Division of Fisheries & Wildlife dated September 10, 2015*
- *Photos prepared by The North Andover Conservation Department dated August 19, 2015*
- *North Andover MIMAP Aerial prepared by The North Andover Conservation Department dated August 20, 2015*
- *North Andover MIMAP Aerial prepared by The North Andover Conservation Department dated August 20, 2015*

#### **242-1657, 777 Great Pond Road (Ibbitson) (Williams & Sparages) (cont. from 9/9/15)**

- Administrator reviews the requests of the Planning Board to include a restriction on fertilizers, herbicides and pesticides in the OOC. They also asked for a crushed stone construction entrance.

- Mr. Lynch asks if Planning Board approval will be required if additional material is needed for the site.
- Mr. Hochmuth states not likely going to exceed thresholds.
- A motion to close and issue a decision within 21 days is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

***Documents:***

- *Letter prepared by Williams & Sparages Watershed Protection District dated August 25, 2015*
- *Letter prepared by the North Andover Interim Town Planner Jean Enright dated September 16, 2015*
- *Plan to Accompany Notice of Intent prepared by Williams & Sparages dated August 12, 2015*
- *Photos prepared by the North Andover Conservation Department dated August 19, 2015*
- *Oliver MA GIS online Mapping prepared by the North Andover Conservation Department dated August 20, 2015*

**242-1656, 95 Old Cart Way (Murtha III) (Markey Land Development Consulting) (cont. from 9/9/15)**

- Administrator states the applicant did not make the 7 day submission deadline and is requesting a continuance to the October 7, 2015 meeting.
- A motion to grant the continuance to the October 7, 2015 meeting is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***Document:***

- *E/Mail prepared by Thomas Murtha III requests a continuance to the October 7, 2015 meeting dated September 23, 2015*

**242-1634, 50 Royal Crest Drive (Pond Redesign) (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.) (cont. from 8/26/15)**

- Administrator states the applicant requests to withdraw without prejudice.
- A motion to accept the withdraw without prejudice is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

**242-1635, 50 Royal Crest Drive (off site Inlets) (AIMCO North Andover, LLC) (Cornerstone Land Consultants, Inc.) (cont. from 8/26/15)**

- Administrator states the applicant requests to withdraw without prejudice.
- A motion to accept the withdraw without prejudice is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

**NACC#126, COC Request, 107 Campion Road (Saragas) (Andover Consultants, Inc.) (cont. from 9/9/15)**

- Administrator states there are a number of dead plantings within the rain gardens and an eroded area outside of the first rain garden.

- The commission discusses replanting and if more than 2 weeks is needed.
- A motion to grant the requests for a continuance to the October 7, 2015 meeting is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

***Documents:***

- *Letter prepared by Andover Consultants requesting Certificate of Compliance dated August 17, 2015*
- *WPA Form 8A-Request for Certificate of Compliance*
- *As-Built Plan prepared by Andover Consultants dated August 11, 2015*
- *Photos prepared by the North Andover Conservation Department dated September 15, 2015*
- *Photos prepared by the North Andover Conservation Department dated October 7, 2015*

**242-1544, Request for Partial Bond Release, 26 Main Street (Jeffco, Inc.) (cont. from 8/12/15)**

- Administrator states the plants have been installed and shows the commission photos.
- Mr. Napoli recommends the commission release 1/3 of the bond.
- A motion to release \$5,000 of the \$14,500 is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***Document:***

- *Photos prepared by the North Andover Conservation Department dated September 22, 2015*

**242-1630, COC Request, 75 Summer Street (Herrick) (LJR Engineering, Inc.) (Request to cont. 10/7/15)**

- Administrator states the applicant requests a continuance to the October 7, 2015 meeting.
- A motion to grant the requests for a continuance to the October 7, 2015 meeting is made by Mr. Saal, seconded by Ms. Feltovic.
- Vote unanimous.

***Document:***

- *E/Mail prepared by Herrick Development, LLC requesting a continuance to the October 7, 2015 dated September 21, 2015*

**242-1566, COC Request, 95 Olympic Lane (Verminski) (Goddard Consulting, Inc.) (cont. from 9/9/15)**

- Administrator states the applicant requests a continuance to the October 7, 2015 meeting.
- A motion to grant the requests for a continuance to the October 7, 2015 meeting is made by Ms. Feltovic.
- Vote unanimous.

***Document:***

- *E/Mail prepared by Michelle Verminski requests a continuance to the October 7, 2015 meeting dated September 21, 2015*

**242-1601, PCOC Request, 19-21 Cotuit Street (Seaport Homes, LLC) (TTI Environmental, Inc.) (cont. from 9/9/15)**

- Mr. Lynch is recused.

- The Administrator reviews the drafted enforcement order requiring the applicants of the two projects to complete the stormwater management system and establish a homeowners association for maintenance as required by the OOCs.
- Mr. Napoli states lack of compliance with the EO by the deadline would mean fines retroactive to 9/23/15.
- Mr. Napoli and Mr. McDonough state the EO should go to all of the homeowners as well.
- A motion to issue an enforcement order as drafted and amended to all homeowners is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***Document:***

- *Enforcement Order Letter prepared by the North Andover Conservation Department dated September 28, 2015*

**242-1620, COC Request, 179 Osgood Street (North Andover Historical Society) (TTI Environmental, Inc.) (cont. 9/9/15)**

- Administrator states the erosion controls are still not removed.
- A motion to grant the requests for a continuance to the October 7, 2015 meeting is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

***Document:***

- *E/Mail prepared by TTI Environmental, Inc. requesting a continuance to the October 7, 2015 meeting dated September 4, 2015*

**Bylaw Regulations Revisions (cont. from 8/12/15)**

- Administrator states Eggleston Environmental will be working on these.
- A motion to grant the requests for a continuance to the November 4, 2015 meeting is made by Mr. Lynch, seconded by Mr. Mabon.
- Vote unanimous.

***Decision***

**242-1657, 777 Great Pond Road**

- Administrator reviews the draft Order of Conditions.
- The Commission accepts Order of Conditions as drafted and amended.
- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

***A motion to adjourn the meeting at: 8:05PM is made by Mr. McDonough, seconded by Mr. Lynch.***

***Vote unanimous.***